

# U.S. Women's Soccer Team and Equal Pay

October 23, 2019

U.S. Women's National Team's (USWNT) efforts to obtain pay equal to the pay provided to the U.S. Men's National Team (USMNT) by the U.S. Soccer Federation rose to prominence during the team's successful quest for the Women's World Cup 2019, the team's fourth such title since 1991. The members of the USWNT and USMNT share the same employer, U.S. Soccer, with whom each team has a collective bargaining agreement (CBA). The USWNT efforts have led to discussions over whether U.S. Soccer has complied with key anti-discrimination laws regarding pay equity.

## Recent Developments

On March 30, 2016, four members of the USWNT each [filed a charge of discrimination](#) with the Equal Employment Opportunity Commission (EEOC). The suits, which were filed on behalf of these players and "all similarly situated WNT players," alleged that U.S. Soccer had discriminated against them on the basis of sex. As reported, the [EEOC ended its investigation](#) of the matter on February 5, 2019, when it "issued [right to sue letters](#) to the [four] players." On March 8, 2019, 28 players filed a [complaint](#) against U.S. Soccer, claiming that the organization had violated the [Equal Pay Act](#) and [Title VII of the Civil Rights Act of 1964](#), as amended. The players allege that U.S. Soccer "discriminates against Plaintiffs, and the class that they seek to represent, by paying them less than members of the MNT for substantially equal work and by denying them at least equal playing, training, and travel conditions; equal promotion of their games; equal support and development for their games; and other terms and conditions of employment equal to the MNT."

On June 21, 2019, the 28 players who filed suit and U.S. Soccer [agreed to begin mediation](#) following the conclusion of the World Cup, which ended on July 7 with the United States victory over the Netherlands in the championship game.

On July 29, U.S. Soccer President Carlos Cordeiro posted an "[open letter](#)", stating that "U.S. Soccer believes that all female athletes deserve fair and equitable pay." He added that the USWNT and USMNT "have different pay structures, not because of gender, but because each team chose to negotiate a different compensation package with U.S. Soccer." The current USWNT–U.S. Soccer [CBA](#) was signed on April 5, 2017, and expires December 31, 2021.

Mediation talks began in early August but [ended](#) shortly thereafter on August 14, 2019. Subsequently, Judge R. Gary Klausner of the U.S. District Court for the Central District of California [set a trial date](#) of

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IN11186

May 5, 2020. The trial date is less than three months before the start of the 2020 Summer Olympics in Tokyo and does not preclude the players and U.S. Soccer from attempting mediation again.

## Support for USWNT

The day after Cordeiro released his open letter, the U.S. National Soccer Team Players Association, which represents USMNT players, [issued a statement](#) that reads, in part: “The women’s national team players deserve equal pay and are right to pursue a legal remedy from the courts or Congress.” The USMNT players also noted that “our CBA expired at the end of 2018 and we are currently waiting on a response from U.S. Soccer to our proposal that would pay the men a fair share of all of the revenue they generate and would provide equal pay to the USMNT and USWNT players.”

## Congressional Interest

Six bills introduced in the 116<sup>th</sup> Congress attempt to address pay equity, among other matters. Two bills focus exclusively on equitable pay for the USWNT and USMNT. The remaining four bills employ a broader approach and, if enacted, would amend the [Ted Stevens Olympic and Amateur Sports Act](#) and would apply to every national governing body (NGB), including U.S. Soccer, in the U.S. Olympic movement.

H.R. 3917 and S. 2062 would prohibit the use of federal funds for the 2026 World Cup—which the United States, Canada, and Mexico were jointly selected to host—until U.S. Soccer “agrees to provide equitable pay to the members” of the USWNT and USMNT.

S. 2083, the Athletics Fair Pay Act of 2019, and H.R. 3804, an identical bill, would result in the insertion of the italicized text as follows: An NGB shall “provide equitable support, *wages and other compensation*, and support and encouragement for participation by women where separate programs for male and female athletes are conducted on a national basis” (36 U.S.C. §220524(6)). This bill would also require each NGB to submit an annual report to Congress on the compensation of amateur athletes.

H.R. 3882 and S. 2253 would also amend the Amateur Sports Act but would make more extensive changes than S. 2083. Either bill, if enacted, would result in the insertion of the italicized text below.

- “The purposes of the [USOPC] are ... to encourage and provide assistance to amateur athletic activities for women (*including investment, working conditions, and wages and other compensation*) that is equal to the encouragement and assistance provided to amateur athletic activities for men.” (36 U.S.C. §220503(12)).
- “An amateur sports organization is eligible to be recognized, or to continue to be recognized, as a national government body only if it ... provides *and demonstrates equal opportunity, including in investment, working conditions, and wages and other compensation* to amateur athletes, coaches, trainers, managers, administrators, and officials to participate in amateur athlete competition *and other activities* without discrimination on the basis of race, color, religion, sex, age, or national origin” (36 U.S.C. §220522(a)(8)).
- “For the sport that it governs, a national governing body shall ... provide equitable support and encouragement for participation by women, *including equitable investment, working conditions, and wages and other compensation*, where separate programs for male and female athletes are conducted on a national basis” (38 U.S.C. §220524(6)).

Similar to other bills under consideration, H.R. 3882 and S. 2253 would require each NGB to submit an annual report to Congress regarding the compensation it provides athletes, trainers, managers, coaches, administrators, and other officials.

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